

City of Heyburn Council Meeting
Wednesday, May 22, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

Council Present: Chad Anderson, Joanne Justesen, Stegen Phillips, and Rick Tundag.

Employees Present:

Tony Morley, Ryan Bertalotto, Ivan McCracken, Paul Ross and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Dick Galbraith who welcomed everyone to the meeting and led those present in the Pledge of Allegiance.

Discuss / Consider the Minutes of the May 08, 2024 City Council Meeting
– ACTION ITEM

Those present reviewed the minutes of the May 08, 2024 City Council Meeting.

Motion by Chad Anderson to approve the minutes of the May 08, 2024 City Council Meeting as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the proposed bills.

Motion by Chad Anderson to approve the bills as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Road Condition Report & Discussion

City Engineer Ivan McCracken provided a brief report to those present regarding road conditions throughout the city. Mr. McCracken explained that the Street Division will be repairing roads that have been seal coated but didn't hold up due to weather conditions. Mr. McCracken stated during the spring thaw and subsequent freezing, the base material under these roads proved inadequate. The moisture in the roads, combined with the freeze-thaw cycle, caused the roads to lift and fall several times, resulting in significant damage. Mr. McCracken assured everyone that plans are in place to fix these issues.

Discuss / Consider Application for Blue River Estates Phase III Final Plat submitted by Roy and Bret Belnap for their property located at Part of Blk 219 Heyburn Townsite & Vacated Lincoln Blvd Less Blue River Estates Phase 1 22-10-23 and Less Blue River Estates Phase II 22-10-23. This property is currently zoned Residential Low
– ACTION ITEM

Those present reviewed the application submitted by Roy and Bret Belnap for Phase II of Blue River Estates. City Engineer Ivan McCracken stated that the staff's recommendation is for the city council to authorize the mayor's signature on the Plat, pending two corrections: the signing block for the City Engineer is missing and there is an incorrect date on the signing block where Planning & Zoning is to sign. The City Attorney mentioned that this application also went through Planning & Zoning and was recommended to the city council.

Motion by Stegen Phillips to approve the application for Blue River Estates Phase III Final Plat submitted by Roy and Bret Belnap for their property located at Part of Blk 219 Heyburn Townsite & Vacated Lincoln Blvd Less Blue River Estates Phase 1 22-10-23 and Less Blue River Estates Phase II 22-10-23 pending the completion of the two specified corrections. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Ordinance No. 2024-688 Ordinance of the City of Heyburn Adding Title 8 Chapter 17 Establishing Regulations for Small Cells, Providing Definitions, General Provisions, Additional Requirements, Exceptions to Standards, Miscellaneous, Severability, Publication by Summary, and Effective Date. First Reading – ACTION ITEM
City Attorney Paul Ross stated that the Planning & Zoning Commission requested that this item be added to their next agenda for further review and to potentially make a recommendation to the city council.

This item was tabled.

Discuss / Consider Ordinance No. 2024-689 Ordinance of the City of Heyburn, Annexing Property Owned by Moyle Holdings, LLC, a Commercial Property in Unincorporated Minidoka County Located at 2536 21st St, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial General; Amending Zoning Map. First Reading – ACTION ITEM

Those in attendance reviewed Ordinance No. 2024-689 as presented. City Attorney Paul Ross noted that the council had previously approved a Plan of Annexation for this parcel. Mr. Ross stated it had also been reviewed by the Planning & Zoning Commission, which recommended that it be brought to the city council with a zoning designation of Commercial General.

Those present reviewed the Application for Annexation and Zoning, proposed Ordinance, and the Annexation Plan. The council recognized this as a Category B Annexation and reviewed Idaho Code 50-222. The council discussed the applicable requirements and exceptions to permit such an annexation and found that the annexation meets those requirements and does not fall within any of the exceptions. After review of the Annexation Plan and proposal, impacts on the various parts of the city and other taxing entities, that such annexation is consistent with the public purposes stated. Lastly, that the annexation is reasonably necessary for orderly development of the city and the region. The council also reviewed potential zoning for the parcel and found the Planning & Zoning's Recommendation of Commercial General would be suitable to be carried over for this parcel after annexation.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-689 once by title for its first reading. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2024-689 once by title only.

**Discuss / Consider Keypad locks for RV Park with Eminent Technical Solutions
– ACTION ITEM**

City Administrator Tony Morley presented a quote and maintenance agreement from Eminent Technical Solutions for the installation of keypad locks at Heyburn Riverside RV Park. Mr. Morley mentioned that these locks could be operated remotely via mobile devices, allowing scheduled times for access or the ability to open and close the restrooms on demand.

Motion by Rick Tundag to approve the keypad locks for Riverside RV Park with Eminent Technical Solutions in the amount of \$5,985.50 as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Submit Application for Body Armor Grant with Department of Justice
– ACTION ITEM**

Police Chief Ryan Bertalotto requested a council motion to apply for the Bureau of Justice Assistance’s Patrick Leahy Bulletproof Vest Partnership grant. Chief Bertalotto noted that the department was awarded this grant last year and must re-apply annually to be considered. The grant covers about half the cost of body armor, with the city covering the rest. The submission deadline is Monday, June 10, 2024.

Motion by Joanne Justesen to approve the application for Body Armor Grant with Department of Justice as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Encroachment Agreement with Minidoka Irrigation District for Lateral 434 Spill Pipeline (Heyburn Walking Path – O Street) – ACTION ITEM

City Engineer Ivan McCracken presented the Encroachment Agreement with the Minidoka Irrigation District (MID) for the walking path along Villa Drive. Mr. McCracken stated that MID agreed to allow the city to build the path over the irrigation easement, with the condition that MID would not be responsible for repairing the path if they needed access for repairs.

City Attorney Paul Ross requested a few minor changes to the agreement. Mr. Ross stated that he would like Belnaps to also sign the agreement to ensure ready consent from the landowners. Mr. Ross also proposed including language to clarify that damages to the walking path must be reasonable and necessary, and revising the indemnification language to cover reckless or willfully negligent behavior on the part of MID.

Motion by Stegen Phillips to approve the Encroachment Agreement with the Minidoka Irrigation District for the Lateral 434 Spill Pipeline, contingent upon the review and approval of the City

Attorney and the recommended changes. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Mayors Time & Committee Reports

Mayor Galbraith reminded everyone that a Special Council Meeting is scheduled for June 4, 2024, to discuss Fiscal Year 2024-25 Budget Projections.

Mayor Galbraith updated those present on current activities as spring transitions into summer, noting that city crews have been extremely busy. The baseball fields will be prepped and ready for play by the first week of June. Additionally, the restroom installation projects at the baseball fields and Dayley Park are progressing well.

No committee reports.

Comments from the Public: This time is designated for members of the public to address their city elected officials. Comments related to any Public Hearing(s) and land use items should be made during the public hearing for those specific items(s). Individuals will be limited to a maximum of three (3) minutes.

Mayor Galbraith invited members of the public to share their comments by opening the floor.

Three comments were made.

Executive Session

Pursuant to Idaho Code 74-206(1)(c) To acquire an interest in real property not owned by a public agency; and (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. – ACTION ITEM

Motion by Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(c) and (f). Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (c) interest in real property and (f) pending litigation.

The Executive Session began at 8:12 PM.

No decisions were made.

Motion by Rick Tundag to adjourn executive session. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Executive Session returned to open session at 8:48 PM.

Motion to Adjourn – ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

Motion by Rick Tundag to adjourn the council meeting. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

The council meeting adjourned at 8:49 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer